

SECTION 6. ZONING DISTRICT REGULATIONS

6.01 GENERALLY

- (1) Uses permitted within the various zoning districts are listed in a table entitled "Use Regulations" which is Section 6.02 of this Ordinance. Minimum lot area, area per dwelling, minimum lot width, required yards, and maximum height requirements for permitted building uses or structures in the various districts are listed in a table entitled "Development Regulations" which is Section 6.03 of this Ordinance. Supplemental requirements/regulations that apply to several or all districts are set forth in Sections 6.04 through 6.11 related to the following:

- 6.04 Accessory Uses and Structures
- 6.05 Traffic Visibility across Corners
- 6.06 Home Occupations
- 6.07 Multi-Family and Single-Family Attached Housing Standards
- 6.08 General Performance Standards and Environmental Preservation
- 6.09 Steep Slope Development Standards
- 6.10 Development within Floodplains, Streams, and Buffer Areas
- 6.11 Preservation of Habitat of Threatened and Endangered Species

Supplemental requirements that apply to specific districts are set forth in Sections 6.12 through 6.17 related to the following:

- 6.12 Conservation District (Prohibited/Permitted Uses)
- 6.13 Gateway Districts
- 6.14 Rehabilitation and Redevelopment Floating Zone District
- 6.15 Viewshed Protection Overlay District
- 6.16 Group Development
- 6.17 Adaptive Reuse Floating Zone District

- (2) In addition to the zoning district regulations contained in this section, all developments must comply with the requirements of Sections 8 (Site Plan Review), 11 (Historic Area Regulations), 12 (Off-Street Parking and Loading), 13 (Buffer Strips), 14 (Sign Control Provisions), and other parts of the Ordinance, where applicable.

6.02 USE REGULATIONS

- (1) Uses permitted within the various zoning districts are listed in the table entitled "Use Regulations" on the following pages.

- (2) Any use which is not included in the table shall be considered as prohibited, except pursuant to Section 2.02.02 of this Ordinance.

USE REGULATIONS TABLE

Key: P Permitted Use C Conditional Use P* Permitted only within cluster developments (pursuant to Section 9)											
USE DESCRIPTION	R-E	R-S	R-U	R-O	B-L	B-H	B-CBD	B-C	I-G	G-C	G-I
Residential											
Single-family detached dwellings	P	P	P	P			C			P	P
Single-family attached dwellings	P*	P*	P	P			P			P	P
Two-family dwellings	P*	P*	P	P			P			P	P
Low-rise apartments	P*	P*	P	P			P			P	P
Mid-rise apartments				P			P				
High-rise apartments				P			P				
Motels, hotels, and motor inns				P		P	P	P		P	P
Bed and breakfasts	P		P	P			P			P	P
Dwelling units/restricted					P	P	P	P		P	P
Boarding houses			P	P						P	P
Home occupations	P		P	P	P	P	P	P	P	P	P
Home offices of convenience	P	P	P	P	P	P	P	P	P	P	P
Residential conversions			P	P						P	P
Group homes	P	P	P	P						P	P
Assisted living subject to the provisions of the zoning district	P	P	P	P			P			P	
Mobile home parks pursuant to the City’s mobile home park ordinance			C								
Private Residential Garage	C	C	C	C							
Commercial Uses/Sales											
Retail buildings (less than 5,000 sq. ft.)				C	P	P	P	P	P	P	P

[illegible]

Key: P Permitted Use C Conditional Use P* Permitted only within cluster developments (pursuant to Section 9)											
USE DESCRIPTION	R-E	R-S	R-U	R-O	B-L	B-H	B-CBD	B-C	I-G	G-C	G-I
Banks and financial institutions				P	P	P	P	P	P	P	P
Banks and financial institutions, including drive-in service places				C	P	P	P	P	P	P	P
Personal service establishments				C	P	P	P	P	P	P	P
Health clubs or spas					P	P	P	P	P	P	P
Commercial laundry establishments						C		P	P	C	P
Professional services, including but not limited to offices of realtors, lawyers, clergymen, teachers, architects, engineers, insurance agents, etc.				P	P	P	P	P	P	P	P
Veterinary offices/hospitals					P	P		P	P	P	P
Kennels								P	P		C
Business, administrative, or corporate offices for public agencies, nonprofit organizations, or private corporations				P	P	P	P	P	P	P	P
Child day care homes	P	P	P	P						P	
Child day care centers	C	C	P	P	P		P			P	
Mini-storage facilities						P		P	P		P
Health Care and Related Uses											
Hospitals	C		C	P							
Laboratories, medical	C		C	P	C	P	P	C	C	P	C
Ambulatory health care facilities	C		C	P	C	C	C	C	C	C	C
Adult day treatment, domiciliary care facilities	C		C	P	C		P				
Convalescent homes	C		C	P							
Nursing homes	C		C	P							
Intermediate care facilities	C		C	P			P				
Motor Vehicle Related Sales & Service											
Automobile sales/service establishments, including used car lots						P	P	P	P	P	P
Truck, farm equipment, mobile home, boat, and recreational vehicle sales/service establishments						P		P	P	P	P

Key: P Permitted Use C Conditional Use P* Permitted only within cluster developments (pursuant to Section 9)											
USE DESCRIPTION	R-E	R-S	R-U	R-O	B-L	B-H	B-CBD	B-C	I-G	G-C	G-I
Auto service stations						P		P	P	P	P
Auto repair stations						C		P	P	C	P
Auto repair garages and body shops						C		P	P	C	P
Auto impoundment areas									P		
Recreation, Amusement, Entertainment											
Commercial indoor recreation, indoor theaters					P	P	P	P	P	P	P
Commercial outdoor recreation					C	P		P	P		P
Public and private parks, recreation areas, historic areas, conservation areas, and other similar uses employing open land with open structures	P	P	P	P	P	P	P	P	P	P	P
Adult Businesses¹											
Adult entertainment establishments									P		
Adult retail establishments									P		
Cemeteries and Funeral Homes											
Cemeteries	C	C	C								
Funeral homes	C		C	P	P	P	P			C	
Educational, Research, Cultural, Religious, Social, Fraternal											
Schools and educational institutions (including private, charter, & magnet schools as defined and permitted by the md state department of education)	C	C	C	P			C				
Dormitories, fraternity and sorority houses				P							
Places of worship and related uses	P	P	P	P	P	P	P	P		P	
Private commercial educational institutions including schools for dance, music, art, drama, and other similar activities				P	P	P	P			P	
Clubs, lodges, or social buildings					P	P	P	P		C	
Community and cultural center buildings	C		C	P	P	P	P	P		C	P

1. Adult businesses may not be located within 1,500 linear feet of any public library, public park, public playground, school, church or similar place of worship, child care center, community center, or residence.

Key: P Permitted Use C Conditional Use P* Permitted only within cluster developments (pursuant to Section 9)											
USE DESCRIPTION	R-E	R-S	R-U	R-O	B-L	B-H	B-CBD	B-C	I-G	G-C	G-I
Laboratories, research								P	P		C
Transportation/Infrastructure Facilities											
Railroad terminals, repair yards, and facilities									P		
Motor freight terminals									P		
Passenger terminals including taxi stands, bus, and rail passenger stations and shelters						P	P				
Off-street parking lots	P	P	P	P	P	P	P	P	P	P	P
Communications towers	P	P	P	P	P	P	P	P	P	P	P
Wind Energy System, Large											
Wind Energy System, Small	C	C	C	C	C	C	C	C	C	C	C
Agricultural Operations											
Agricultural, horticultural, and forestry uses	P										
Nurseries for growing of flowers, trees, and shrubs not for sale on the lot	P	P	P					P			P
Nurseries for growing of flowers, trees, and shrubs for sale on the lot					P	P		P	P	P	P

NOTES:

1. Permitted and prohibited uses in the Conservation District are presented in Section 6.12.
2. Permitted and prohibited uses in the Rehabilitation and Redevelopment Floating Zone District are presented in Section 6.14.
3. All public, professional, commercial, industrial, or other non-residential uses; all multi-family dwelling uses; all temporary structures; and certain other uses designated in Sections 6.09 (Steep Slope Development), 6.10 (Development within Floodplains, Streams, and Buffer Areas), 6.11 (Preservation of Habitats of Threatened and Endangered Species), 6.13 (Gateway Districts), and 10 (Viewshed Protection Overlay District) are subject to the provisions of Section 8 (Site Plan Review).

6.03 DEVELOPMENT REGULATIONS

6.03.01 Development Regulations Table

- (1) Minimum lot area, area per dwelling, minimum lot width, required yards, and maximum height requirements for permitted building uses or structures in the various districts are listed in the table entitled "Development Regulations" on the following pages.
- (2) The regulations listed for each zone as designated, reading from left to right across the table, are hereby prescribed for such zones, subject to the other provisions of this Ordinance and shall be deemed to be the minimum requirements in every instance of their application, unless otherwise stated.
- (3) Whenever any currently existing dwelling unit is converted into a multi-family dwelling unit, the area requirement as set forth in the "Development Regulations" table shall be considered to remain that which would be required had said unit not been so converted.
- (4) Where a proposed development site consists of more than one lot of record, the applicable zoning requirements and standards shall be fully satisfied for each individual lot of record, unless and until the individual lots comprising the development site shall be consolidated into one undivided lot of record in the Allegany County Land Records. In the event the lots are consolidated, the instrument effecting the consolidation shall include the following statement: "In accordance with Sections 6.03.01 (4) and 8.05 (1) of the City of Cumberland Zoning Ordinance, the property described herein shall be treated as one lot of record."

DEVELOPMENT REGULATIONS TABLE

Zone & Predominant Permitted Uses	Lot Requirements			Building Setback Requirements			Building Height Requirements		Building Coverage Requirements
	Minimum Lot Area (Sq. Ft.)	Minimum Lot Area per D.U. (Sq. Ft.)	Minimum Lot Width (Ft.)	[8] Front (Ft.)	Rear (Ft.)	Side (Ft.)	Stories	Feet	Maximum Percent of Lot Area
R-E									
Single-family detached	87,120	87,120	150	30	50	30	3	35	20
Single-family detached (cluster)	--	2,000	40	20	35	6 [1]	3	35	40
Single-family attached (cluster)	--	1,800	16 [2]	20	35	6 [1]	3	35	60
Two-family (cluster)	--	2,000	40	20	35	6 [1]	3.5	45	40
Low-rise apartments (cluster)	--	2,000	120	25	35	10	3.5	45	25
R-S									
Single-family detached	12,000	12,000	90	30	35	15	3	35	25
Single-family detached (cluster)	--	2,000	40	20	35	6 [1]	3	35	40
Single-family attached (cluster)	--	1,800	16 [2]	20	35	6 [1]	3	35	60
Nonresidential uses	12,000	--	100	30	35	20	--	50	25
R-U									
Single-family detached	--	2,000	40	20	35	6	3	35	40
Single-family attached	--	1,800	16 [2]	20	35	6	3	35	60
Two-family	--	2,000	40	20	35	6	3.5	45	40
Low-rise apartments	--	2,000	120	25	35	10	3.5	45	25
Nonresidential	7,200	--	60	30	35	10	--	50	35
R-O									
Single-family detached	--	2,000	40	20	35	6	3	35	40
Single family attached	--	1,600	16 [2]	20	35	6	3	35	60
Two-family	--	1,800	40	20	35	6	3.5	45	40
Low-rise apartments	--	1,750	120	25	35	10	3.5	45	35
Mid-rise apartments	--	1,200	120	25	35	15	8	96	35
High-rise apartments	--	900	120	25	35	20	11	135	35
Nonresidential	12,000	--	100	30	35	15	--	50	50
B-L									
All permitted uses	3,000	--	30	15	20	--	--	35	60
B-H									
All permitted uses	10,000	--	80 [3]	30	20	10	--	50	50

	Lot Requirements			Building Setback Requirements			Building Height Requirements		Building Coverage Requirements
Zone & Predominant Permitted Uses	Minimum Lot Area (Sq. Ft.)	Minimum Lot Area per D.U. (Sq. Ft.)	Minimum Lot Width (Ft.)	[8] Front (Ft.)	Rear (Ft.)	Side (Ft.)	Stories	Feet	Maximum Percent of Lot Area
B-CBD									
All permitted nonresidential uses	2,000	--	20	--	--	--	--	--	100
Single-family attached, detached, and two-family	--	1,600	16	--	--	--	3.5	45	--
Low-rise apartments	--	1,400	120	15	15	15	3.5	45	40
Mid-rise apartments	--	1,200	--	15	15	15	8	96	40
High-rise apartments	--	900	--	15	15	15	11	135	40
B-C									
All permitted uses	10,000	--	80	20	30	10	--	50	60
I-G									
All permitted uses	12,000	--	100	25	35	15	--	50	55
G-C									
Permitted residential uses:									
- Single-family detached	--	2,000	30	[4]	35	[5]	3	35	40
- Single-family attached	--	1,800	16 [6]	[4]	35	[5]	3	35	60
- Two-family	--	2,000	30	[4]	45	[5]	3	35	40
All permitted nonresidential uses (except car lots)	3,000	--	30	[4]	20	[7]	--	35	50
Car lots	10,000	--	30	[4]	20	[7]	--	35	50
G-I									
Permitted residential uses:									
- Single-family detached	--	2,000	30	[4]	35	[5]	3	35	40
- Single-family attached	--	1,800	16 [6]	[4]	35	[5]	3	35	60
- Two-family	--	2,000	30	[4]	45	[5]	3	35	40
All permitted nonresidential uses	10,000	--	80	[4]	30	[7]	--	35	60
C									
All permitted uses	--	--	--	--	--	--	--	15	5

[1] 15 feet from adjacent property not within cluster development.

[2] 31 feet for corner/end lot (minimum 16 foot dwelling width and 15 feet from adjacent lot line).

[3] 100 feet for corner lot.

[4] The lesser of the prevalent frontyard setback of existing buildings on the block or 20 feet, provided that the provisions of Section 6.05 (Traffic Visibility Across Corners) are met.

[5] The lesser of the sideyard setback of the existing principal building on the lot or 6 feet, provided that the provisions of Section 6.05 (Traffic Visibility Across Corners) are met.

[6] 22 feet for corner/end lot (minimum 16 foot dwelling width and 6 feet from adjacent lot line).

[7] The lesser of the sideyard setback of the existing principal building on the lot or 10 feet, provided that the provisions of Section 6.05 (Traffic Visibility Across Corners) are met.

| [8] Unless the standard in Note [4] applies, the front yard shall not be less than the average distance of setback of the nearest building or buildings, within one hundred (100) feet on each side of the said building and fronting on the same side of the street.

6.03.02 General Regulations

- (1) Every principal building shall be built upon a lot with frontage upon a public street improved to meet City standards or for which such improvements have been ensured by the posting of a performance guarantee pursuant to the Subdivision Regulations of the City or shall have access to a private street approved by the Fire Department, the Engineering Department, and the Planning Commission.
- (2) No yard or other open space provided about any buildings for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, and no yard or other open space or another lot shall be considered as providing a yard or open space for a building on any other lot.
- (3) Where two (2) or more main buildings for other than residential uses are proposed to be built upon property in one (1) ownership, front, side, and rear yards are required only at lot lines abutting other property.
- (4) No soil, mineral, or similar material may be removed from any lot unless a zoning permit is first secured. Site and street grading, but not including excavations for construction purposes, may be initiated prior to obtaining a permit. The deposit of soils, detritus, or other debris which would be unsightly or detrimental to surrounding properties, streets, sewers, and natural waterways as a result of site preparation, grading, and/or excavating shall be prohibited.

6.03.03 Exceptions to General Regulations

- (1) The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, penthouses, and domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, bulkheads, similar features, and necessary mechanical appurtenances usually carried above roof level.
- (2) Nothing herein contained shall prevent the projection of an emergency exit (open fireproof fire escape) or handicapped access structure into a required rear or side yard for a distance not to exceed eight (8) feet, but in no case to project beyond the property line.
- (3) Any parcel of land with an area or width less than that prescribed for a lot in the zone in which such parcel is located at the date of the adoption of this Ordinance, when the owner thereof owns no adjoining land, may be used as a lot for any purpose permitted in the zone, provided that all other regulations prescribed for the zone by the Ordinance are complied with.
- (4) Where there is, at the time of the enactment of this Ordinance, a lot whose width and area are less than that required for the zone in which said lot is located, flanked by buildings existing on the two (2) lots adjoining at the sides, both being in other ownership:

- (a) The lot shall be permitted to be built or rebuilt upon in any zone, without requirement of side yards wider than the respective adjacent side yards existing on the adjoining lots.
- (b) The front and rear yards shall not be less than the average distance of setback of the nearest building or buildings, within one hundred (100) feet on each side of the said building and fronting on the same side of the street. See Section 6.03.01, **Development Regulations Table**, Note [8].
- (c) No requirement for rear yards, side yards, or yard area contained in this Ordinance shall prevent the construction of a private garage or other customary accessory uses, as approved by the Zoning Administrator, within the required rear yard of a lot not meeting the requirements of this Ordinance upon which a dwelling has been erected previous to the time of enactment of this Ordinance. Accessory uses located in side or rear yards shall meet the setback requirements of the **Development Regulations Table**.

6.03.04 General Yard Requirements

- (1) Where a street or a highway shown on the adopted Cumberland Thoroughfare Plan has a proposed right-of-way greater than that existing, the front yard requirement shall be measured in accordance with the proposed right-of-way.
- (2) Ground story bays and porches not over half the length of the front wall may project into any front yard five (5) feet. Chimneys, flues, columns, sills, and ornamental features, cornices, and gutters may project not more than two (2) feet.
- (3) Bays, balconies, chimneys, and flues may project into a required side yard not more than one-third (1/3) of its width, and not more than four (4) feet in any case. Ground story bays and porches not over half the length of the side wall may project into any side yard three (3) feet.
- (4) In residential districts, the following features may project not more than ten (10) feet into any required front or rear setback area: open porches and decks and exterior stairways or ramps, whether above or below ground level.
- (5) Fences, walls, and hedges shall comply with the following provisions:
 - (a) In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of forty-eight (48) inches, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of forty-eight (48) inches and nine (9) feet. Fences, hedges, or walls less than seven (7) feet high above the preexisting grade and terraces, steps, uncovered porches, or

other similar features not over three (3) feet high may be permitted in the required side and rear yards, providing that Section 6.05(1) (Traffic Visibility Across Corners) does not apply.

- (b) Fences may be constructed in the front or street side yards of any lots which are approved for a housing type which have no backyards (i.e., back to back townhouses, quadraplexes and other similar housing types). To obtain approval of such fences, the applicant shall submit an overall fencing plan for all such lots which front on a particular street to the Zoning Administrator.
- (c) A fence, wall, or hedge not exceeding eight (8) feet in height may be located in any yard of any commercial, industrial, or institutional lot in a Business Commercial or Industrial/Employment district not abutting a residential district. Fence along a lot line abutting a residential lot shall comply with (4)(a) above.
- (d) Barbed wire fences shall not be permitted except in the B-C and I-G Districts.
- (e) Electric fences shall not be permitted in any zone.
- (6) All commercial surface parking lots shall be subject to a minimum setback of six (6) feet. Subsurface parking structures may extend to the property lines.
- (7) If the Zoning Administrator determines that the required amount of parking cannot be met under the setback requirement, off-street parking may be permitted in all required yard areas providing there is no encroachment into required sight triangles, that no more than fifty (50) percent of the affected required yard area is utilized, that it is not possible to place the required off-street parking elsewhere on the lot, and provided all other requirements of the Zoning Ordinance are met.
- (8) Corner lots fronting on two (2) intersecting streets shall be considered to have two (2) front yards, two (2) side yards, and no rear yards. One (1) front yard shall meet the yard requirements for the applicable zone and the other shall be not less than fifteen (15) feet.
- (9) There shall be no rear yard requirements for triangular lots.
- (10) In the case of irregularly shaped lots, the minimal lot width specified in the "Development Regulations" table shall be measured at the rear line of the required front yard, provided that in no case shall the lot frontage measured at the street right-of-way line be less than seventy (70) percent of the minimum lot width as specified in the table. In measuring the depth of rear yards, average dimensions may be used where the rear lot line is not parallel with the street line.

6.03.05 Maximum Height of Buildings

- (1) No building shall exceed the maximum height of buildings specified in the “Development Regulations” table.
- (2) Height shall be measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs; to the deck lines of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs.
- (3) Municipal buildings and municipal uses, including civic centers, libraries, museums, memorial buildings, or galleries and community center buildings, and/or civic service agency buildings may be increased in height up to, but not exceeding, eight (8) stories or one hundred (100) feet, providing that such building shall not be closer to any street than twice the depth of the required front yard for the respective residential district in which such building is located and such setback from any street shall be increased by not less than one (1) foot for each one (1) foot in height of the building over thirty-five (35) feet, except that in districts such setback from any street shall be increased by not less than one (1) foot for each six (6) feet or portion thereof in height of the building over thirty-five (35) feet.

6.04 ACCESSORY USES AND STRUCTURES

6.04.01 General Requirements for Accessory Uses and Structures

- (1) Accessory uses and structures which are customarily incidental to the permitted principal use or structure, which are clearly subordinate to the permitted principal use or structure, and which do not significantly alter the character of the permitted principal use or structure are themselves permitted subject to the following requirements:
 - (a) Accessory uses and structures shall be located on the same parcel as the permitted principal use or structure.
 - (b) No accessory building, unless it is structurally a part of the principal building, shall be erected, altered, or moved to a location within five (5) feet of the nearest wall of the principal building.
 - (c) Except as provided in Section 6.04.03(2), no accessory use or structure shall be located within any required front yard.
 - (d) Accessory structures may be located within a required rear or side yard unless otherwise specified herein, provided such structure shall not exceed twenty (20) feet in height.

- (e) The lot coverage of accessory uses or structures shall not exceed thirty (30) percent of the yard area where they are being placed.
 - (f) Except as provided elsewhere in this Ordinance, no accessory structure shall exceed fifty (50) percent of the maximum height allowed for the permitted use, except in conjunction with agricultural or industrial use.
 - (g) Accessory structures associated with two-family and apartment uses shall not exceed twenty (20) feet in height.
- (2) Accessory buildings, structures or uses include, but are not limited to, a private garage, garden shed or barn, guesthouse, private playhouse, private greenhouse, private swimming pool, home garden, nursery or greenhouse, home occupation, residential accessory structure or use (garage, shed), solar energy system, temporary structure or use, tennis court, windmill, antenna (including dish or tower), and the like.
 - (3) In residential districts open decks (i.e., decks without roof or walls) shall not be considered structures for lot coverage purposes when constructed onto a single-family dwelling.

6.04.02 Antenna Accessory To Residences

- (1) In any residential district or other district adjacent to any residential district, antennas, including satellite dish antennas serving residential units, shall not exceed three (3) feet in diameter nor extend above the maximum allowed height for a principal use or structure. Antennas more than fifteen (15) feet in height shall be regulated as communications towers.
- (2) No amateur radio transmission antenna shall be constructed until plans for the same have been submitted to and approved by the Zoning Administrator. The plan shall show location, height, and configuration of the equipment and, if approved, shall be constructed so as to be structurally sound and not to present any electrical hazard to any person around, near, or upon the antenna. The applicant shall also present affidavits from all property owners within one hundred (100) feet of his dwelling stating that they have no objection to such installation. This provision does not obligate the Zoning Administrator to approve any amateur radio transmission antenna, however.

6.04.03 Accessory Structures For Domestic or Farm Animals

- (1) Accessory structures housing farm animals or farm equipment (not for sale) shall be located at least 50 feet from a street right of way and from any adjacent property in a residential district and may be constructed to a height not greater than 50 feet.

(2) Accessory structures in front yards of residential districts shall be limited to the following:

- (a) Driveways and parking areas for the principal use,
- (b) Permitted signs under this Ordinance, and
- (c) Fences permitted under this Ordinance.

6.04.04 Corner Lots

In all districts allowing residential uses, including all applicable end townhouse units, where any dwelling or structure is located on a corner lot or reverse corner lot, no accessory structure shall be located within the street side yard specified in Section 6.03 (Development Regulations). On a corner lot in any district, areas free of all structures, parking areas or landscape materials shall be maintained in accordance with Section 6.05 (Traffic Visibility Across Corners).

6.04.05 Automatic Teller Machine (ATM)

A freestanding ATM shall not exceed two hundred (200) square feet in footprint (outside measurements), shall not exceed eleven (11) feet in height, shall provide sufficient parking as may be required by the Zoning Administrator, shall be limited to signage only as a part of the structure, shall be located no closer than thirty (30) feet to any exterior property line of the lot upon which it is located, and shall provide screening designed in such a way as to be appropriate under the circumstances of the request. A non-freestanding ATM shall be an accessory structure subject to approval by the Zoning Administrator who shall require such information for submission by the applicant as shall be sufficient to determine the acceptability of the ATM at the location proposed including location, size, parking, building materials, accessibility, visibility and lighting, and other safety considerations and signage.

6.04.06 Public Art

Outside of the Canal Place Preservation District, public art may be permitted on public or private property with the consent of the property owner and after review and approval by the Municipal Planning Commission. The Commission may regulate the location, size, lighting, and general appearance of the artwork. Within the Canal Place Preservation District, the Historic Preservation Commission shall govern public art in accordance with the Historic Preservation Guidelines.

6.04.07 Small Wind Energy Systems

Small Wind Energy Systems, as defined in Section 2.03 of this Ordinance, shall be permitted as a conditional accessory use to any permitted principal use (excluding non-conforming uses) in any zoning district, with the exception of the Conservation and Viewshed Protection

Overlay Zones, subject to a determination by the Zoning Board of Appeals of compliance with all of the following requirements:

- (1) No more than one (1) free-standing Small Wind Energy System with a rated maximum output of not more than fifteen (15) kilowatts of electricity shall be permitted on any individual property. No roof-mounted Wind Energy Systems shall be permitted.
- (2) The minimum setback from any property line for a Small Wind Energy System shall be:
 - (a) One and one-tenth (1.1) foot from the base of the structure to each property line for every one (1) foot in structure height (as measured from the lowest point along the base to the highest point of the support tower, the top of either the turbine device or the area swept by the rotor blades, whichever is greatest).
 - (b) In the event that the maximum permitted height for a small wind energy system cannot be achieved on a specific property by virtue of setback constraints, the maximum permitted height shall be controlled by the setback constraints. The Zoning Board of Appeals shall not issue a variance to the minimum required setbacks for a small wind energy system.
- (3) No Small Wind Energy System shall have a rated maximum output in excess of fifteen (15) kilowatts of electricity. No variance to this electric generating capacity limit shall be granted by the Zoning Board of Appeals.
- (4) No support tower for a Small Wind Energy System shall be taller than thirty (30) meters (approximately 100 feet) in height. The Zoning Board of Appeals may issue a variance to the height limit for a ground-mounted Small Wind Energy System only, subject to compliance with all of the following requirements:
 - (a) The applicant shall provide wind speed measurements taken during the peak wind season documenting that the average wind speed from the prevailing wind direction at the maximum permitted height of thirty (30) meters does not exceed six (6) miles per hour and that the average wind speed from the prevailing wind direction at the requested height does exceed six (6) miles per hour.
 - (b) That the proposed Small Wind Energy System will be sited on the property in a location where an additional one and one-tenth (1.1) foot in setback distance from all property lines shall be provided for each additional one (1) foot in supporting tower height over and above the minimum setback required for the permitted height in Subsection (2) (a) above.

- (c) The maximum height variance that the Zoning Board of Appeals may grant, based on the applicant's evidence and justification, shall not exceed one hundred fifty (150) feet.
 - (d) The proposed device shall satisfy all other applicable requirements of the Zoning Ordinance.
 - (e) In granting a height variance for a Small Wind Energy System, the Zoning Board of Appeals may impose additional landscaping requirements along the boundaries of the property as may be warranted and reasonably effective to offset or minimize the visual impacts of the system on neighboring residences.
 - (f) The Zoning Board of Appeals shall not vary the minimum setback requirements for a Small Wind Energy System in the granting of a height variance.
- (5) All wind energy systems shall be designed such that the *lowest* point of the area that may be swept by the rotor blades shall have a clearance of not less than fifteen (15) feet above the base of the supporting structure. The supporting tower shall not be climbable more than twelve (12) feet above the base of the structure. Any access doors to wind energy towers and electrical equipment shall be secured by safety locks.
- (6) The applicant shall document that the proposed Small Wind Energy System shall not generate noise levels at all property boundaries in excess of the residential use noise standards specified in Section 6.08 (6) (b) of the Zoning Ordinance. When measuring noise levels or determining compliance with the requirements of section 6.08 (6) (b) of the zoning ordinance, the Zoning Board of Appeals may require that all decibel levels and readings shall be measured using a C-weighted filter, rather than or in addition to an A-weighted filter, due to the predominance of low frequency noise emissions typically generated by wind turbines.
- (7) Guy wires used to support a Small Wind Energy System structure shall be set back at least ten (10) feet from all property lines and shall be secured to stationary anchors properly and securely mounted into the ground, not a tree or other structure on the property. Appropriate, but not excessive, reflective or visible painting or colored objects (such as flags, reflectors, or tapes) shall be placed on all guy wires within ten (10) feet of the ground in sufficient quantities or spacing to make them visible.
- (8) All Small Wind Energy Systems shall be designed with braking, governing, or feathering systems to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades, and system components.

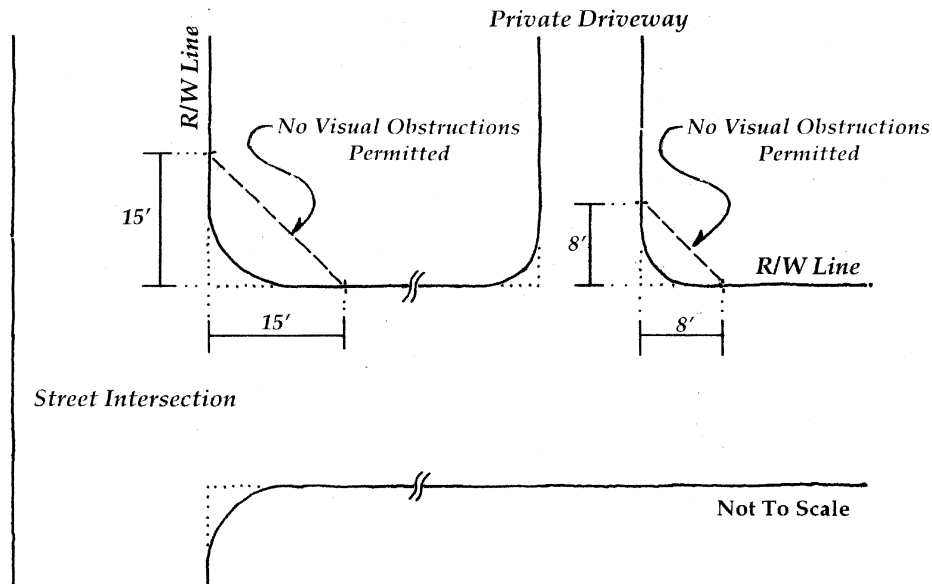
- (9) Where required, Small Wind Energy Systems must provide complete and appropriate documentation and approvals to show compliance with all applicable Federal Aviation Administration regulations, including any necessary approvals for systems that may be located near airport runways or may encroach upon protected approach/departure or accident potential zones around an airport. The applicant also shall provide documentation that the proposed Small Wind Energy System shall not create interference with telecommunication signals and reception in the immediate area.
- (10) To the maximum extent practicable under the applicable regulatory requirements, rotor blades for all Small Wind Energy Systems shall be designed with non-reflective (non-gloss) paints and materials to minimize the potential “flicker” or “strobing” effect of reflected sunlight on adjoining properties. The system also shall be designed or sited to minimize the potential impacts of rotor blade shadow strobing on nearby residential dwellings, where such siting flexibility exists.
- (11) No Small Wind Energy System shall be lighted or illuminated in any way that is not otherwise specifically required by the Federal Aviation Administration.
- (12) No Small Wind Energy System shall contain any lettering, advertisement, or signage of any kind, with the exception of any required or standard warning signage and not more than one (1) manufacturer label bonded to or painted upon the wind turbine device.
- (13) Small Wind Energy Systems shall be designed and painted in a manner that is appropriate to minimize visual impacts on the area and setting.
- (14) All supporting towers for a small wind energy device shall be specifically engineered to support a wind turbine. Steel lattice support towers shall be prohibited in all residential zones. The use or modification of a supporting tower originally designed for a telecommunication antenna as a supporting tower for a small wind energy system shall be prohibited. Supporting towers constructed of aluminum also shall be prohibited.
- (15) To the maximum extent practicable, all on-site wiring or power lines necessary to control or transmit power from the wind energy device shall be undergrounded or hidden from public view, except where necessary to connect the system with an above-ground power line.
- (16) Where a Small Wind Energy System will be connected to the electric power grid to permit “net-metering,” the applicant also shall provide an affidavit signed by the owner documenting that “[t]he owner will comply with all applicable utility notification requirements contained in the Maryland net metering law, and the system will comply with the Institute of Electrical and Electronics Engineers (IEEE) 1547 Standard for Interconnecting Distributed Resources with Electric Power

Systems, as may be amended, and the applicable requirements promulgated by the Maryland Small Generator Interconnection Standards by the Maryland Public Service Commission.”

- (17) When an approved Small Wind Energy System has ceased active production of electricity for a period of at least twelve (12) consecutive months, the owner of said property shall remove the device and supporting structure from the property.

6.05 TRAFFIC VISIBILITY ACROSS CORNERS

- (1) In order to provide a clear view of intersecting rights-of-way to motorists, an area free of fences, walls, hedges, shrubs, planting, or other visual obstruction shall be maintained. This area shall extend from thirty (30) inches to ten (10) feet above the curb level within the triangular area formed by the right-of-way lines of two intersecting streets and a line connecting them at points fifteen (15) feet from the intersection of the right-of-way lines, or in the case of a rounded property corner, from the intersection of the right-of-way lines extended. The same sight line limitations shall apply on any lot within ten (10) feet from the intersection of a street right-of-way line and an alley right-of-way line.
- (2) On any lot where a private driveway enters a street, no visual obstruction shall be maintained between thirty (30) inches and ten (10) feet above curb level within the triangular area formed by the street right-of-way line, the private driveway line, and a line connecting them at points eight (8) feet from their intersection.
- (3) In any zone where signs are permitted, a pole(s) or standard(s) may be located at any point within a required yard if, between the level of thirty (30) inches above curb level and the level of ten (10) feet above curb level, the diameter or greatest dimensions of the supporting pole(s) or standard(s) does not exceed twenty (20) inches.



Required minimum street and driveway sight lines

6.06 HOME OCCUPATIONS

6.06.01 Definitions

- (1) Home office of convenience: an office within a dwelling or accessory structure used for the purpose of sending and receiving communications, maintaining records, and other similar functions, but where no business is conducted other than by phone, mail, or electronically, and no persons are employed on the site other than the occupants of the residence in question.
- (2) Home occupation: any occupation or business use, other than a home occupation of convenience, conducted entirely within a dwelling or an accessory structure or both by a resident of the property, and which is clearly incidental to the residential use of the property, excluding: antique shops; boarding or rooming houses or tourist homes; commercial repair or storage of automobiles, watercraft, or other motor vehicles; commercial stables, kennels, and nurseries; mortuary establishments; and restaurants or tea rooms.

6.06.02 Where Permitted

- (1) Home offices of convenience are permitted as accessory uses in all zoning districts where residences are allowed.

- (2) Home occupations are permitted as accessory uses in all zoning districts where residences are allowed, with the exception of the R-S district.

6.06.03 General Standards

Home offices of convenience and home occupations shall comply with the following standards:

- (1) No noise, odor, vibration, light, smoke, or electromagnetic interference shall be produced that can be detected at or beyond the property line.
- (2) There shall not be outside storage of equipment, material, or stock.
- (3) There shall be no storage on the premises of explosives or highly flammable or extremely hazardous materials as defined by the U.S. Environmental Protection Agency.
- (4) Delivery of materials to and from the premises shall not involve the use of vehicles over 2 ton capacity, with the exception of parcel delivery services that normally serve residential areas.
- (5) Any interior structural alterations to accommodate the home occupation shall require the issuance of a building permit.

6.06.04 Additional Standards for Home Offices of Convenience

- (1) The maximum area devoted to a home office of convenience shall be thirty (30) percent of the gross area of the dwelling or accessory structure that is used for the HOC.
- (2) There shall be no changes to the exterior of the building nor visible evidence that the residence contains a HOC.
- (3) There shall be no outside employees.
- (4) There shall be no retail sales or services conducted on the premises.
- (5) Traffic generation for the dwelling with a HOC shall not exceed that normally generated without a HOC.

6.06.05 Additional Standards for Home Occupations

- (1) The maximum area devoted to the home occupations shall not exceed thirty (30) percent of the square footage of the dwelling or accessory structure that is used for the home occupation. However, a maximum of fifty (50) percent of the square footage of the dwelling unit or accessory structure may be used for a home occupation in an Arts Overlay District.

- (2) There shall be no exterior evidence, other than a permitted sign in accordance with Section 14, to indicate that the building is being used for any other purpose other than that of a dwelling or an accessory structure.
- (3) No more than one (1) person shall be employed who is not a member of the family residing on the premises.
- (4) Retail sales of goods grown, produced or assembled on the premises shall be permitted. Retail sales of products not produced on the premises shall be permitted only when these sales are incidental to and part of the primary function of the business.
- (5) Adequate space shall be provided for off-street parking and loading.
- (6) A home occupation located on a local street shown in the Comprehensive Plan shall not generate more than five (5) business-related trips per day, excluding delivery vehicles, from off the premises.

6.06.06 Permit/Approval Required

- (1) A permit from the Zoning Administrator's office is not required for a home office of convenience.
- (2) Application for a home occupation permit shall be made to the Zoning Administrator on a form provided by the administrator's office and shall be accompanied by a filing fee that is established by Mayor and City Council. The Zoning Administrator, or his/her authorized designee, shall review and approve, approve with conditions, or deny the permit request within 15 days of receipt of a complete submission. The Zoning Administrator's decision shall be based upon conformance with the standards contained in Sections 6.06.03 and 6.06.05.

6.07 MULTI-FAMILY AND SINGLE-FAMILY ATTACHED HOUSING STANDARDS

6.07.01 Building Requirements

- (1) Each dwelling unit shall contain complete kitchen, toilet, bathing, and washing facilities, and shall have a minimum habitable floor area in accordance with the following:

Efficiency Units	400 square feet
One Bedroom Units	500 square feet
Two Bedroom Units	700 square feet
Three Bedroom Units	900 square feet

- (2) In multiple dwellings two and one-half (2-1/2) stories or less in height, maximum building size shall be restricted to no more than sixteen (16) dwelling units in one (1) continuous structure.
- (3) Single-family attached dwelling units shall not be less than sixteen (16) feet in width.
- (4) The distance between multi-family dwelling unit buildings on the same lot shall not be less than twenty (20) feet. No interior yards, as such, shall be required but all buildings shall be located in relation one to another that the angle off horizontal from the sill of the lowest window in the habitable area in one building to the highest point of another building (excluding towers, chimneys, and similar fixtures) does not exceed forty-five (45) degrees. Where possible, the design layout of dwelling structures shall be such that the front of one structure does not face the rear of another.
- (5) The distance at the closest point in all districts except the R-O District, between any two (2) buildings of a group of elevator type multiple dwellings shall not be less than thirty-five (35) feet and for each two (2) feet such height is increased beyond a height of thirty-five (35) feet the distance between such buildings shall be increased by not less than one (1) foot. In the R-O District, the distance at the closest point, between any two buildings of a group of elevator type multiple dwellings shall not be less than twenty-five (25) feet and for each two (2) feet such height is increased beyond a height of the building over thirty-five (35) feet the distance between such buildings shall be increased by not less than one (1) foot.
- (6) No multi-family dwelling unit building shall be closer than twenty (20) feet from any access driveway or closer than ten (10) feet from any parking area.
- (7) Courtyards: Courtyards bounded on three (3) or more sides by the wings of the same building or by the walls of separate buildings shall have a minimum court width of two (2) feet for each one (1) foot in height of the highest building.
- (8) Storage Space: In addition to any storage area contained inside the multi-family building dwelling units, there shall be provided for each dwelling unit thirty-five (35) square feet of storage area in a convenient centrally located area in the basement or ground floor of the dwelling structure or elsewhere where personal belongings and effects may be kept locked and separated from belongings of other occupants. There shall be a minimum of readily accessible common storage area in each building for bicycles, perambulators, and similar types of equipment of six (6) square feet per dwelling unit.
- (9) All multi-family building stairwells, stairways, and landings shall be architecturally integrated into the building.

- (10) No more than one (1) external master television antenna shall be permitted on each principal multi-family building.

6.07.02 Site Requirements

- (1) Interior roads shall be so designed as to minimize hazards to pedestrians and to vehicles on roads within the development and on roads in adjacent areas.
- (2) Off-street parking areas shall not open directly on to a public street but shall be provided with access drives or other controlled access. Access drives shall not serve as part of a specified parking area and shall be kept clear of parked vehicles.
- (3) Pedestrian walks shall be not less than four (4) feet in width and shall be provided wherever normal pedestrian traffic will occur. All walks shall meet the engineering standards specified by the City Engineer.
- (4) Bicycle facilities shall be provided as required by the Zoning Administrator.
- (5) Garbage and refuse pickup and other multi-family utility areas shall be located so as not to detract from the aesthetic character of the development and shall be enclosed and shielded from view by fencing, walls, or shrubbery of at least five (5) feet in height around the perimeter.
- (6) All telephone and electric service utilities shall be underground in all multi-family developments.
- (7) All multi-family developments shall be served by public water and sanitary sewer facilities in compliance with applicable State and City requirements.
- (8) All multi-family developments shall be appropriately landscaped. Interior roads, parking areas, bicycle facilities, and pedestrian walks shall be provided with shade trees which are of an appropriate size and character. Open space adjacent to buildings and malls between buildings to be utilized by residents and border strips along the sides of pedestrian walks shall be graded and seeded to provide a thick stand of grass or other plant material. Approaches to multi-family dwelling structures and entrance areas shall be provided with trees and attractively planted with shrubs. Areas not used for buildings, drives, and parking spaces shall be seeded or landscaped and shall be kept in an attractive condition.
- (9) Topsoil shall not be removed from the site during construction, but shall be stored and redistributed to areas most exposed to view by occupants and the public and such areas shall be stabilized by seeding or planting.
- (10) Interior development roads, parking areas, dwelling entranceways, and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and vehicles utilizing the same and shall, where necessary, be shielded to

avoid disturbing glares to occupants of buildings. Lighting shall be so arranged as to reflect away from adjoining properties.

- (11) The land shall be so graded, paved areas so pitched, and storm drains and catch basins so located and sized as to provide rapid runoff of storm waters and avoid undue accumulations of water under the normal range of weather conditions.

6.07.03 Residential Conversions

The conversion of single-family or twin (duplex) dwellings to two or more family dwelling units may be permitted in the specified district, provided:

- (1) Each dwelling unit, after conversion, shall contain within the unit complete kitchen, toilet, and bathing facilities.
- (2) The area of the lot upon which the conversion is located contains at least two thousand (2,000) square feet for each dwelling unit after conversion.
- (3) One dwelling unit shall have a minimum of seven hundred (700) square feet of habitable floor area and all additional dwelling units shall have a minimum habitable floor area according to the following standards:

Efficiency Units	400 square feet
One Bedroom Units	500 square feet
Two Bedroom Units	700 square feet
Three Bedroom Units	900 square feet

- (4) No exterior structural alteration of the structure may be made except as may be necessary for safety or for improved access.
- (5) Adequate off-street parking shall be provided.

6.08 GENERAL PERFORMANCE STANDARDS AND ENVIRONMENTAL PRESERVATION

- (1) All uses and activities established after the effective date of this Ordinance, unless otherwise indicated, shall comply with the following standards.
 - (a) All uses shall be developed in a manner consistent with the preservation of the quality of the existing environment and of any natural amenities present on the site.
 - (b) All uses shall provide for the preservation and the minimum destruction of natural drainage areas, minimum grading and destruction of the ground surface, the

preservation of substantial stands of trees and forested areas and the preservation of attractive views, and any other natural features existing on the site.

- (2) Smoke, Dust, Fumes, Gases, Odors, Mists, Vapors, and Pollens: The emission of smoke, dust, fumes, gases, odors, mists, vapors, pollens, and similar matter, or any combination thereof, which can cause any damage to human or animal health, or vegetation or to property, or which can cause any soiling or staining of persons or property at the point beyond the lot line of the use creating the emission, is prohibited. Standards concerning such emissions shall be in accord with the rules and regulations of the State of Maryland or any applicable municipal ordinance, whichever is more restrictive.
- (3) Heat and Glare: Any operation producing glare and/or heat shall be performed within an enclosed building or in such a manner as not to be visible or to produce any effect beyond the property line of the lot on which the operation is located.
- (4) Vibrations: No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments, with the exception of that vibration produced as a result of construction activity.
- (5) Lighting: Exterior lighting shall not adversely affect adjacent properties, as determined by the following:
 - (a) Exposed sources of lights, including bare bulbs and tubes and immediately adjacent reflecting surfaces, shall be shielded so as not to create a nuisance across lot lines.
 - (b) Any light or combination of lights that casts light on a public street shall not exceed one foot-candle (meter reading) as measured from the centerline of such street. Any light or combination of lights that cast light on a lot zoned or used for residential purposes shall not exceed 0.4 foot-candles (meter reading) as measured no more than three feet inside the lot line.
- (6) Noise: No use shall generate noise that tends to have an annoying or disruptive effect upon uses located on adjacent lot, as determined by the following:
 - (a) A decibel is a unit of measure of sound pressure. Since sound waves having the same decibel level “sound” louder or softer to the human ear depending upon the frequency of the sound wave in cycles-per-second (i.e., whether the pitch of the sound is high or low), an A-weighted filter constructed in accordance with the specifications of the American National Standards Institute, which automatically takes into account the varying effect of different pitches on the human ear, shall be used on any sound level meter taking measurements required by this section. Accordingly, all measurements are expressed in dB(A) to reflect the use of this A-weighted filter.

- (b) Except as provided in subsection (c), the maximum noise levels permitted at the property line shall be 50 decibels (db(A)) for adjacent residential uses during the hours of 7 a.m. to 7 p.m., 45 db(A) for adjacent residential uses during the hours of 7 p.m. to 7 a.m., and 65 db(A) for adjacent commercial uses. To determine compliance with these standards, noise levels shall be measured in terms of Equivalent Sound Level (LEQ).
 - (c) Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than one minute in any one-hour period are permissible up to a level of 10 db(A) in excess of the standards contained in subsection (b), except that this higher level of permissible noise shall not apply from 7 p.m. to 7 a.m. when the adjacent use is residential. The impact noise shall be measured using the fast response of the sound level meter.
 - (d) Noise resulting from temporary construction activity that occurs between 7 a.m. and 7 p.m. shall be exempt from the requirements of this section.
- (7) Electric, Diesel, Gas, or Other Power: Every use requiring power shall be so operated that the service lines, substation, or other facilities shall conform to the highest safety requirements and shall be so constructed and installed as to be an integral part of the architectural features of the plant and, except for essential poles and wires, shall not extend into any yard and shall be suitably screened from streets or any adjacent property which would be deleteriously affected by such installations.
- (8) Storage and Waste Disposal: The following regulations shall apply to the storage of materials and the disposal of materials:
- (a) No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances located and operated on the same lot as the tanks or drums of fuel.
 - (b) All outdoor storage facilities for fuel, raw materials, and products, and all fuel, raw materials, and products stored outdoors shall be enclosed by an approved safety fence.
 - (c) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces; nor shall any substance which can contaminate a stream or water course or otherwise render such stream or water course undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or water course.
 - (d) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be

stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

- (9) Nuisances Prohibited: No land or structure in any zoning district shall be used or occupied in any manner contrary to the laws of the City of Cumberland and/or the State of Maryland.
- (10) Steep Slopes in Excess of 25 Percent (25 Feet Vertical Distance over 100 Feet Horizontal Distance): Development on slopes in excess of twenty-five (25) percent shall comply with the requirements of Section 6.09 (Steep Slope Development).

6.09 STEEP SLOPE DEVELOPMENT

6.09.01 Purpose

The purpose of the steep slope development guidelines is to provide supplementary development standards to underlying zones to ensure that development occurs in such a manner as to protect the topographic character of steep slope areas by minimizing required earthwork, and the public health, safety, and welfare by insuring that development does not result in soil erosion, silting of lower slopes, slide damage, flooding, and severe cutting or scarring.

6.09.02 Applicability

The guidelines contained in Section 6.09.05 apply to all development proposed on slopes which exceed 25 percent, calculated according to the method described in Section 6.09.04.

6.09.03 Permit/Approval Required

Prior to the issuance of any building or grading permits, approval of a subdivision, or the commencement of any construction or enlargement of any building or structure on a lot or parcel which is located on a slope of 25 percent or greater, as defined below in Section 6.09.04, the proposed development shall be subject to site plan review in accordance with Section 8. The Planning Commission/Zoning Administrator shall review the development application for conformance with the steep slope guidelines contained in Section 6.09.05.

6.09.04 Calculation of Slope

Slope calculation shall be based on contour intervals of five (5) feet in accordance with standard engineering procedures.

6.09.05 Steep Slope Guidelines

6.09.051 Site Design

The site design of the proposed development shall conform with the following guidelines:

Guideline 1: Design the development to adapt to the natural hillside topography and terrain.

Keep development close to the street to minimize the need for long driveways.

Allow for different lot sizes and shapes, with the prime determinant being the natural terrain.

Concentrate development on areas of the site and lot with less than 25 percent natural grade to the greatest extent possible.

Guideline 2: Cluster development to emphasize the existing topography and conserve existing resources.

Guideline 3: The proposed development shall be certified by a registered professional engineer. If a geotechnical problem is suspected, a more detailed report may be required, as deemed necessary by the Zoning Administrator.

Guideline 4: Avoid significant natural features such as native tree stands and rock outcroppings of unique character. While these areas will vary from site to site, priority should be given to their preservation. The intent is not to prohibit development, but to direct it to the least sensitive portions of the site.

6.09.052 Grading (Earthwork)

The grading and excavation proposed in connection with the development shall not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring, or any other geological instability that would affect the public health, safety, and welfare as determined by the Zoning Administrator. The grading design shall conform with the following guidelines:

Guideline 5: A soils report shall be submitted for development on all slopes which, in the opinion of the Zoning Administrator, have the potential for soil slippage, major erosion, landslides or other geological hazards for instability.

Guideline 6: Berms at the top of slopes and other locations used to screen, vary profile, and insure drainage away from slopes are encouraged.

Guideline 7: Direct drainage into streets or separate drainage structures.

Drainage swales should be designed to minimize their visibility. They should be angled along a slope rather than create an abrupt 90-degree intersection with contour lines.

Guideline 8: The use of retaining structures which significantly reduce grading is encouraged.

6.09.053 Circulation

Design of roadways, driveways, and other circulation elements shall conform with the following guidelines:

Guideline 9: Roadways and driveways shall be aligned to conform to the natural contours where feasible to minimize required earthwork.

Guideline 10: The use of cul-de-sacs, loop streets, and common driveways is encouraged if grading is reduced significantly by their use.

Cul-de-sacs shall incorporate adequate turning radii to accommodate emergency vehicles.

Development should be kept as close as possible to the street serving it to minimize the need for long driveways.

A reduction in roadway width is encouraged if such a design minimizes the amount of necessary earthwork. Approval of the Zoning Administrator must be obtained.

Guideline 11: Parking areas located on existing flat portions of the site are encouraged.

6.09.054 Vegetation

Existing vegetation shall be preserved to the maximum extent practicable and disturbed areas revegetated in conformance with the following guidelines:

Guideline 12: Development often necessitates the removal of trees to accommodate roads, parking, buildings, and other facilities. Every effort shall be made through the design, layout, and construction of development to incorporate and preserve as many trees as possible.

Guideline 13: Considerable damage to or the death of trees may result if more than 6" of soil is added around the base of a tree, more than 30 percent of circumferential bark is removed, or more than 30 percent of the root system is removed. In addition, asphalt paving, building construction, and soil compaction within the drip line of a tree may cause their destruction. Accordingly, the potential loss of vegetation due to these conditions shall be minimized through appropriate site planning and construction practices.

Guideline 14: All graded or disturbed areas that are not otherwise developed or protected from erosion shall be permanently revegetated.

Guideline 15: When mature, the vegetation established in accordance with Guideline 14 shall provide permanent erosion protection to the site.

6.10 DEVELOPMENT WITHIN FLOODPLAINS, STREAMS, AND BUFFER AREAS

6.10.01 Purpose

The purposes of this section and Ordinance #3104 is to protect human life and health, minimize property damage, encourage appropriate construction practices to minimize future damage, protect individuals from unwittingly buying land subject to flood hazards, and to protect water supply, sanitary sewerage disposal, and natural drainage. Further, it is the purpose of this section and Ordinance #3104 to establish measures to minimize flood damage to public and private property and to establish procedures by which these measures are to be administered and enforced.

6.10.02 Applicability

Any person or entity proposing to develop within the floodplain zone regulated by this section and Ordinance #3104 must first obtain a permit for the development from the Department of Community Development, and must comply with all provisions of this section and Ordinance #3104. Such development shall be subject to site plan review in accordance with Section 8.

6.10.03 Guidelines, Regulations, and Permit Process

See Appendix D “Ordinance #3104.”

6.11 PRESERVATION OF HABITATS OF THREATENED AND ENDANGERED SPECIES

6.11.01 Purpose

The purpose of this section is to encourage growth away from and when necessary, minimize adverse impact on recognized threatened and endangered species.

6.11.02 Applicability

Any person or entity proposing to develop within locations identified as potentially containing threatened or endangered habitats and/or species must first obtain a permit for the development through the Department of Community Development which may be subject to review by the Department of Natural Resources and other appropriate agencies. Such development shall be subject to site plan review in accordance with Section 8.

6.11.03 Identified Habitats of Threatened and Endangered Species

At publication, no species listed as threatened or endangered have been documented to occur within the Cumberland municipal limits. One animal and two plant species of concern are recorded as occurring within the City associated with limestone or forested ridges:

Porcupine (*Erethizon dorsatum*)

Harebell (*Campanula rotundifolia*)

Shaved sedge (*Carex tonsa*)

The Fish, Heritage, and Wildlife Administration also has current records for four plant species of concern at the Narrows just northwest of the municipal boundary. These records include one endangered, one threatened, and two special concern species.

6.11.04 Permit/Approval Required

The Planning Commission/Zoning Administrator shall review development applications for conformance to the Maryland Department of Natural Resources Natural Heritage Program and other relevant programs, at the time of any application, designed to protect habitats of threatened and endangered species.

6.12 CONSERVATION DISTRICT (PROHIBITED/PERMITTED USES)

Within this district, no structure shall be erected, nor shall any material or equipment be stored, nor shall any fill be placed, nor shall the elevation of any land be substantially changed, except that the following uses are permitted:

- (1) Agricultural, horticultural, and forestry uses.
- (2) Public and private parks, recreation areas, historic areas, conservation areas, and other similar uses employing open land with open structures.
- (3) Forestry, excluding buildings, structures, and open storage.
- (4) Flower and vegetable gardening, outdoor plant nurseries, with no buildings or structures.
- (5) Surface parking areas covered with natural materials such as wood chips, loose stones, etc.
- (6) Bridges, roads, utility installations, and the like pursuant to Section 8 (Site Plan Review).
- (7) Governmental uses pursuant to Section 8 (Site Plan Review).
- (8) Temporary storage of materials or equipment pursuant to Section 8 (Site Plan Review).
- (9) Paved surface parking areas pursuant to Section 8 (Site Plan Review).

6.13 GATEWAY DISTRICTS

6.13.01 Applicability

The provisions contained in this section apply to all development proposed within the Gateway-Commercial (G-C) and Gateway-Industrial (G-I) Districts, together referred to as the Gateway Districts, as shown on the Official Zoning Map for the City of Cumberland.

6.13.02 Permit/Approval Required

Prior to the issuance of any building or grading permits, approval of a subdivision, or the commencement of any construction or enlargement of any building or structure on a lot or parcel located within the Gateway Districts, the proposed development shall be subject to site plan review in accordance with Section 8. The Planning Commission/Zoning Administrator shall review the development application for conformance with the design guidelines contained in Section 6.13.03.

6.13.03 Design Guidelines

6.13.031 Parking

The following guidelines are to supplement the parking and loading regulations contained in Section 12 of the Ordinance for developments within the Gateway Districts:

Guideline 1: Parking lots and structures shall be located to the greatest extent practicable to the rear of both residential and commercial buildings.

Guideline 2: Curb cuts and driveways should be kept to a minimum.

Guideline 3: The use of low, thick shrub plantings to screen parking areas is encouraged (see Section 13, Buffer Strips).

6.13.032 Signage

The following guidelines are to supplement the sign control provisions contained in Section 14 of the Ordinance for developments within the Gateway Districts:

Guideline 4: The following types of signs are considered most appropriate for these districts:

- (a) Hanging signs that project no farther than four (4) feet from the building's primary wall surface. *It is recommended that hanging signs be placed near the front door to direct customers to the entrance;*
- (b) Wall (parallel) signs which project no more than 15 inches from the building's primary wall surface. *Wall signs should*

be designed to accentuate the horizontal lines of the building facade;

- (c) Goldleaf (simulated) or paint-lettered window signs applied directly to the inside of storefront windows or the upper floors of multi-story commercial buildings; and
- (d) Awning signs in which lettering has been applied to the front and side flaps of the awning material.

While this list contains only representative examples of appropriate sign types, other formats may be suitable and appropriate for the character of the Gateway Districts. They will be reviewed on a case-by-case basis.

Guideline 5: The following types of signs are considered inappropriate for these districts:

- (a) Flashing, blinking, twinkling, animated, and moving signs, except in the case of public service time and temperature;
- (b) Smoke-, sound-, or vapor-emitting signs;
- (c) Tall free-standing signs that overpower the scale of the adjacent building facades;
- (d) Signs placed above a building's roof line; and
- (e) Signs painted on a building surface.

6.13.033 Site Design

The site design of the proposed development shall conform with the following guidelines:

Guideline 6: New building setbacks shall be consistent with the prevailing frontyard depths on the block in which the development is located.

A building's setback should be the same as either of its abutting neighbors. If one of the neighboring structures is set back more or less than the typical setback of the buildings on the block, the new building should conform to the setback that is more typical of the blockfront.

Guideline 7: Main building entrances shall be oriented to the street where feasible.

Guideline 8: Service areas shall be located in the rear of the property when possible. The visual impact of mechanical, electrical, and trash disposal systems should be minimized.

6.13.034 Architectural Design

The architectural design of the proposed development shall conform with the following guidelines:

(1) Preservation of Existing Structures

Guideline 9: The removal or alteration of unique architectural features or materials is discouraged.

Original materials and unique architectural details should be restored and/or maintained when feasible.

Guideline 10: For certain commercial properties, the preservation and/or restoration of the following elements is encouraged:

- (a) the original size and architectural elements of historic storefronts, e.g., glass configurations, transom windows;
- (b) recessed entries where they exist;
- (c) original facade ornamentation and detail; and
- (d) the original size, alignment, and openings of upper-story windows.

Guideline 11: Storefront walls at the sidewalk edge are encouraged.

(2) Rehabilitation of Existing Structures

Guideline 12: The existing location and size of window and door openings should be maintained when feasible.

The preservation of original windows and doors and trim is encouraged. If replacement is necessary, it is best to utilize a window or door type which most closely matches the original appearance.

Guideline 13: The reservation of the shape or slope of the existing roof, unless it has already been altered from its original form, is encouraged. In this latter case, new roofs should be designed to resemble the original shape and slope whenever possible.

The original roof materials should be preserved where feasible.

Guideline 14: Original porches or stoops should be maintained where feasible.

The use of cinder blocks, cedar shingles, plywood, or corrugated metal as the exterior cover for the foundation level of buildings or porches is discouraged.

Guideline 15: The use of chain link, unpainted redwood, rough cedar, stockade, post and rail, vinyl lattice, or concrete block fences for any yard fronting a street on a property is discouraged. All wood fences should be painted.

Guideline 16: Plantings along fences, walks, foundations, and at porch edges are traditional landscaping patterns in Cumberland and are encouraged where feasible.

Guideline 17: Facade colors which will coordinate facade elements in an overall composition and complement adjacent buildings are preferred. However, the number of colors used should be kept to a minimum.

Guideline 18: Accessory structures which are smaller than primary structures are preferred. Materials used for accessory structures should be consistent with the primary structure.

Guideline 19: The original building entrance should not be obscured by a building addition where feasible.

(3) Additions

Guideline 20: Recent additions that are not consistent with the building's original architectural character may be removed to restore the building's original appearance.

Additions should seek to match the materials and architectural character of the main structure.

The use of roof forms and materials used for additions that are consistent with the style of architecture of the main structure is encouraged.

Guideline 21: Residential additions should be visually subordinate to, or smaller than, the main building.

Guideline 22: Additions which respect the typical front yard setbacks found along adjacent properties are encouraged.

(4) New Residential Construction

Guideline 23: The traditional size, proportions and height of facades along the block of the building site should be maintained where feasible. New buildings should have similar widths and heights as those existing along the blockfront.

The use of window types, proportions, and alignments typical of the neighborhood is encouraged.

Roof shapes and materials that are consistent with the prevailing patterns found in the neighborhood are preferred.

Guideline 24: Building materials that are consistent with the materials typically used in the neighborhood are preferred.

(5) New Commercial Construction

Guideline 25: New commercial buildings that reinforce the typical, existing block pattern are encouraged. Commercial buildings in residential areas shall conform to the setbacks typical of the houses on that street.

6.13.035 Encouraged Building Materials

Building materials for residential and commercial construction should be original to or compatible with the historic character of the Gateway Districts.

Guideline 26: The use of the following materials for exterior (visible) building walls is encouraged:

- (a) Bricks of similar size, color, and texture to those historically used in the districts;
- (b) Painted wood siding; and
- (c) Aluminum or vinyl siding of a style compatible with the historic character of the districts.

Guideline 27: The use of the following materials for roofs visible from the street is encouraged:

- (a) Fiberglass, asphalt, or slate shingles; and
- (b) Standing seam metal roofs.

Guideline 28: The use of the following materials for fences, walls, or gates visible from the street is encouraged:

- (a) Wrought iron;
- (b) Bricks of similar size, color, and texture to those historically used in the districts;
- (c) Painted wood; and
- (d) Recycled plastic materials which are durable and structurally adequate for the intended use.

6.14 REHABILITATION AND REDEVELOPMENT FLOATING ZONE DISTRICT

6.14.01 Applicability

The Rehabilitation and Redevelopment (RR) District shall be a floating zone which may be established: 1) where specifically designated in the Comprehensive Plan as appropriate; and 2) within the R-U, R-O, G-C, or G-I districts upon petition by a property owner and approval by Mayor and City Council.

6.14.02 Permitted/Prohibited Uses

The “Use Regulations” table in Section 6.02 lists certain uses as not permitted within the R-U, R-O, G-C, and G-I districts. Through approval of a Floating Zone Application for a property within one of these districts, such uses may be allowed if in conformance with the performance standards in Section 6.14.04, except that the following uses shall not be allowed in the RR zone:

- (1) Heavy manufacturing.
- (2) Incinerators.
- (3) Bulk plants.
- (4) Bars and nightclubs.
- (5) Uses listed as motor vehicle related sales & service in the Use Regulations table (R-U and R-O Districts only).
- (6) Auto impoundment areas.
- (7) Motor freight terminals.
- (8) Adult entertainment establishments
- (9) Adult retail establishments

6.14.03 Permit/Approval

- (1) The applicant shall submit to the following information to the Zoning Administrator:
 - (a) Floating Zone Application;
 - (b) Site Plan;
 - (c) Engineering Report as to the structural soundness of the structure;
 - (d) Justification Statement as to why the structure should be converted to a non-residential land use and how the application satisfies the purpose and intent of the RR zone;

- (e) Proposed exterior plan of the structure including architectural modifications, changes or additions to the facade, landscaping, screening, and other such information as the Zoning Administrator may require.
- (2) The application shall be filed and processed in the same manner as a zoning map amendment. The application may be granted if the Mayor and City Council finds that the proposed use is compatible with neighborhood uses, is consistent with the Comprehensive Plan for the City and the area of the City where the structure is located, and satisfies the development standards and criteria set forth in this section.

6.14.04 Performance Standards

All uses shall comply with the following performance standards:

- (1) The general performance standards listed in Section 6.08.
- (2) The parking and loading standards contained in Section 12.
- (3) The buffer strip standards contained in Section 13.
- (4) Signs shall be limited to one (1) freestanding occupant sign in conformance with Section 14.07.02 and one (1) nonlighted wall sign in conformance with Section 14.11.01. Freestanding signs shall not exceed four (4) square feet in area and wall signs shall not exceed sixteen (16) square feet in area.
- (5) If a use with primary access from a local street shown in the Comprehensive Plan will generate more than twenty-five (25) vehicular trips on the local street during the a.m. or p.m. peak hour, a traffic impact analysis shall be required to demonstrate that the level of service at intersection(s) will not be reduced below level D.
- (6) No loading or unloading of vehicles defined as “commercial motor vehicles” in Section 2 (Definitions, Interpretations, and Rules of Construction) shall be allowed for uses with primary access from a local street shown in the Comprehensive Plan.
- (7) No outdoor storage of materials or products shall be allowed.
- (8) Light manufacturing uses shall be performed in an entirely enclosed space.
- (9) The use shall not operate between the hours of 10:00 p.m. and 6:00 a.m.

6.15 VIEWSHED PROTECTION OVERLAY DISTRICT (GUIDELINES)

The guidelines contained in this section apply to all development proposed within the Viewshed Protection Overlay District as shown on the Official Zoning Map for the City of Cumberland.

Applicants shall make every reasonable and appropriate effort to apply these guidelines to proposed development plans. Procedural requirements pertaining to the Viewshed Protection Overlay District are contained in Section 10.

6.15.01 General Considerations

- (1) The design of developments within the Viewshed Protection Overlay District shall address the following elements:
 - (a) Maximum feasible preservation of existing topographical forms;
 - (b) Vehicular circulation and how it relates to existing contours; and
 - (c) Maximum preservation of existing vegetation.
- (2) Disturbance to existing topographical features and vegetation should be minimized. Development should be designed to fit into the hillside rather than altering the existing topography to create a "flatland" type of development. This latter type of development results in greater loss of existing vegetation and increased earthwork.
- (3) Roads and driveways should be sensitive to existing contours and their length and width minimized to the greatest extent possible without affecting the health, safety, and welfare of residents.
- (4) Large and Small Wind Energy Systems, as defined in Section 2.03 of this Ordinance, shall not be permitted on any property subject to the Viewshed Protection Overlay Zone.

6.15.02 Construction Techniques (Earthwork)

Grading should minimize disturbance to the natural landform; not destroy visual quality; and not create conditions which may result in landslides, flooding or erosion. All earthwork required for proposed developments shall conform with the following guidelines:

Guideline 1: "Contour grading" techniques shall be employed where feasible. "Contour grading" shall mean grading which creates artificial slopes with curves and varying slope ratios in the horizontal plane designed to simulate the appearance of the surrounding natural terrain.

Long linear slopes are to be avoided, except in cases where the natural slope configuration displays this type of form. When appropriate, cut-and-fill slopes shall have curved configurations that reflect the surrounding topographical context. The toe and top of slope shall be "rounded" to avoid angular forms at the convergence of manufactured and natural slopes.

Varied cut-and-fill banks and drainage terraces to alleviate monotony and allow for "naturalistic" landscaping are encouraged.

Berms at the top of slopes and other locations used to screen, vary profile, and insure drainage away from slopes are encouraged.

Guideline 2: The use of retaining structures when they will significantly reduce grading and land disturbance is encouraged.

6.15.03 Circulation

Design of roadways, driveways, and other circulation elements shall conform with the following guidelines:

Guideline 3: Roadways and driveways shall be aligned to conform to the natural contours where feasible. Long stretches of straight road should be avoided by utilizing gentle horizontal and vertical curves where feasible.

Roadways should not be parallel to one another to avoid a "shelving" effect on hillsides.

Guideline 4: The use of cul-de-sacs, loop streets, and common driveways is encouraged if grading is reduced significantly by their use. Cul-de-sacs shall incorporate adequate turning radii to accommodate emergency vehicles.

Development should be kept as close as possible to the street serving it to minimize the need for long driveways.

A reduction in roadway width is encouraged if such a design minimizes the amount of necessary earthwork. Approval of the Zoning Administrator must be obtained.

Guideline 5: Whenever possible, parking should be provided within structures. When this is not feasible, lots and streets shall be planned to maximize parking which is located on the uphill side of buildings.

Parking areas located on existing flat portions of the site are encouraged.

6.15.04 Vegetation

Existing vegetation shall be preserved to the maximum extent practicable and disturbed areas revegetated in conformance with the following guidelines:

Guideline 6: Development often necessitates the removal of trees to accommodate roads, parking, buildings, and other facilities. Every effort shall be made through the design, layout, and construction of development to incorporate and preserve as many trees as possible. Special attention shall be directed towards preserving trees with a diameter of 8" or greater at a height of 24" from grade.

No person may cut or clear land for the sole purpose of offering land for sale. Land may be "bush hogged" in preparation for sale or development.

The clearcutting of trees is prohibited without authorization by the Building Engineer. Clearcutting means the cutting of more than 75 percent of the trees 8" in trunk diameter or larger. Clearcutting pursuant to an approved development plan shall require the planting of replacement trees.

Guideline 7: Considerable damage to or the death of trees may result if more than 6" of soil is added around the base of a tree, more than 30 percent of circumferential bark is removed, or more than 30 percent of the root system is removed. In addition, asphalt paving, building construction, and soil compaction within the drip line of a tree may cause their destruction. Accordingly, the potential loss of vegetation due to these conditions shall be minimized through appropriate site planning and construction practices.

Trees with a diameter of 8" or greater at a height of 24" from grade and designated for preservation shall be marked with bright ribbons encircling the tree trunk at a height of four feet above the ground, and a four foot high barricade will be constructed around the tree at the drip line prior the commencement of construction.

Guideline 8: Slopes exposed in new development should be landscaped to mitigate adverse visual impacts created by grading operations.

When land is terraced, the areas between terraces should be planted with dense plantings of trees, shrubs, and ground cover.

Guideline 9: Trees should be planted in random clusters, not in rows, to complement the natural tree distribution. Row planting of trees along property lines and roads is discouraged.

Guideline 10: When new development occurs near the crest of a hill, the crest's natural appearance should be maintained by tree planting and other landscape measures.

Guideline 11: To minimize the visual obtrusiveness of buildings, plantings that screen building edges and foundations are encouraged.

Guideline 12: Existing vegetation should be taken into consideration when landscaping the developed area. New landscaping should be compatible with existing vegetation and the scenic character of the surrounding area.

6.16 GROUP DEVELOPMENT

Group Development regulations including but not limited to lot sizes, lot configuration, egress patterns, public access configuration and standards, and signage shall be established and set forth by the Municipal Planning and Zoning Commission. The Commission shall consider the needs of the Group Development, Zoning Ordinance, Subdivision Regulations, Historic Preservation Guidelines, adjacent uses, and common practices and standards when establishing Group Development regulations.

6.17 ADAPTIVE REUSE FLOATING ZONE DISTRICT

6.17.01 Applicability

The Adaptive Reuse Floating Zone may be applied in any zoning district by approval of the Mayor and Council of the City of Cumberland to properties that satisfy the following criteria, as supported by and/or specifically designated within the Comprehensive Plan:

- (1) The property contains a gross area of not less than two (2) acres.
- (2) The property contains one or more enclosed structures containing not less than fifty thousand (50,000) square feet of floor area either individually or in combination. Not less than seventy-five (75) percent of the principal use structure on the property must be retained and integrated into the project design.
- (3) The principal or primary use or occupation of the subject property has been discontinued or abandoned.
- (4) The nature of the property, building design, former use, or the potential return on investment for comprehensive redevelopment of the site make it impractical or infeasible for successful redevelopment to occur under a single principal land use classification.
- (5) No portion of the proposed project site will be concurrently zoned RR – Rehabilitation and Redevelopment Floating Zone.

6.17.02 Master Plan Submission & Approval

- (1) An application for a zoning map amendment to apply the Adaptive Reuse Floating Zone to a specific property shall be accompanied by a Comprehensive Master Redevelopment Plan (in one or more documents) detailing compliance with the performance standards specified in Section 6.17.03 and containing the following information, as may be specifically applicable to the proposed project:

- (a) A title page specifying the name of the project, the date of the plan, and the identity of the development company, developer, and/or all principals or investors in the project.
- (b) A statement summarizing the nature of the proposed redevelopment/revitalization project and addressing the proposed project's compliance with each of the applicability criteria listed in Section 6.17.01.
- (c) A detailed and comprehensive listing of the land use classifications, as specified in the Use Regulations Table of Section 6.02 of this Ordinance, that are proposed to be permitted within the project and a map and/or narrative to explain how these uses would be arranged in the project and how they would relate to and be made compatible or consistent with existing uses and zoning classifications of the areas surrounding the project site, including any buffer strips that may be required under Section 13 of this Ordinance. The listing shall specify the square footage of floor space and/or land area that is to be dedicated to each land use within the project.
- (d) An Overall Site Development Plan for the project identifying the boundaries of all existing or proposed lots of record within the project to be conveyed or transferred, all buildings to be demolished and/or rehabilitated, any new buildings to be constructed on the property, and all existing and proposed streets, alleys, and off-street parking facilities within the project. The Overall Site Development Plan shall also clearly depict all public and/or common land easements (including the proposed use and provisions for perpetual maintenance of all common areas) within the project and any streets or other lands proposed to be dedicated to the city. Said site plan shall be prepared in accordance with the applicable requirements specified in Section 8 of this Ordinance for a "Major Site Plan." The site plan may refer to appropriate sections of the Comprehensive Master Redevelopment Plan for information to satisfy specific submission requirements. Where new lots of record or adjustments to the boundaries of existing lots of record are proposed, the Overall Site Development Plan shall include all pertinent & essential subdivision Preliminary Plat submission specifications required by Section 23-19 or Section 23-60 of the Subdivision Regulations.
- (e) A statement or table identifying the specific Off-Street Parking and Loading/Unloading Area Requirements (including handicapped parking provisions in compliance with the Americans with Disabilities Act) for the project by proposed land use classification.
- (f) A Master Signage Plan for the property depicting the location of all proposed directional and advertising signage within the development and diagrams for each proposed sign type depicting the materials, sign height, and sign area. The Master Signage Plan shall identify and justify any and all specific

changes or deviations from the applicable requirements in Section 14 of the Zoning Ordinance that are proposed for the project.

- (g) A trip generation assessment of the proposed uses in the project based on the Institute of Traffic Engineers' Trip Generation Manual, as amended. The projected trip generation rate for the proposed project shall be compared to the trip generation rate for the previous abandoned or discontinued use of the site. The assessment shall convey in tabular and/or narrative form for both the proposed and previous site uses, the specific use classifications that were utilized for traffic generation, the square footage or area factors used for each use classification, the appropriate trip generation factor applied from the Trip Generation Manual, and the total number of peak hour trips calculated. The Director of Engineering may require a comprehensive project traffic study if the project buildout trip generation exceeds the trip generation of the prior use of the site, and/or if the potential traffic impacts of the project on adjoining public streets and intersections could reduce the level of service to a "D" or lower, the project adjoins a public street or intersection that has been identified as "unsafe" or a "high accident location," the project site lacks adequate access to distribute the projected traffic in a safe manner, or the project has a potentially significant impact on a highway owned and maintained by the State of Maryland. If the Director of Engineering determines that a comprehensive traffic study is necessary, such study and associated recommendations shall be prepared and appended to the Comprehensive Master Redevelopment Plan and reviewed by the Director of Engineering prior to a formal recommendation of approval or denial from the Planning Commission.
- (h) Any specific infrastructure (water, sewer, street, or other utility) details and specifications that may be required by the Director of Engineering.
- (i) An Engineering Report regarding the structural soundness of the buildings on the property for the proposed uses, unless such report is waived by a Building/Zoning Official based on a visual inspection of the building(s).
- (j) Any proposed architectural renderings and/or elevations that may be desired to depict the design of the project and/or specific improvements.
- (k) Verification of Conceptual Stormwater Management Plan approval for the project by the Director of Engineering.
- (l) A determination of any and all areas within the project site that are located within the one hundred year (base) flood elevation and/or a floodway as depicted on the applicable Flood Insurance Rate Map and/or Flood Insurance Study prepared by the Federal Emergency Management Agency.

- (m) A map of the site depicting the location of any non-tidal wetland areas within the project site that may require a special permit from the U.S. Army Corps of Engineers and/or the Maryland Department of Environment. A determination letter from the U.S Army Corps of Engineers and the Maryland Department of Environment verifying that no such non-tidal wetland areas exist on the project site may be provided in lieu of the required wetlands map.
 - (n) If the proposed project is located within a local historic district or is subject to Section 106 review and approval, a listing of and map depicting all eligible historic structures on the site and their proposed disposition (removal, rehabilitation, or expansion) shall be included in the Comprehensive Master Redevelopment Plan.
 - (o) Additional technical appendices, as may be warranted.
- (2) An Application and Comprehensive Master Redevelopment Plan shall be filed, reviewed, approved, and amended in the same manner as a Zoning Map Amendment, as governed by Section 15 of this Ordinance. An applicant may present to staff and/or the Planning Commission a Preliminary Conceptual Proposal of the project prior to the filing of a formal Zoning Map Amendment. The purpose of said Preliminary Conceptual Plan shall be to engage in non-binding discussions about the project concept and the formal review process, special staff or outside approvals that may be required by the Planning Commission as part of the Application, and the need for special information or project details to be included in the Comprehensive Master Redevelopment Plan. The Zoning Map Amendment may be approved by the Mayor and Council, based on findings that the proposed project will be compatible with neighboring uses and the area of the city where it will be located, consistent with the general spirit and intent of the Comprehensive Plan, and satisfies both the applicability requirements and performance standards specified in Sections 6.17.01 and 6.17.03, respectively.
 - (3) If a proposed project is located within a locally-zoned Historic District and the demolition of any structure on the site is proposed, the Planning Commission shall not recommend approval or denial to the Mayor and Council of an Adaptive Reuse Floating Zone petition until the Historic Preservation Commission has approved or denied the project.
 - (4) The Planning Commission shall not recommend approval or denial to the Mayor and Council of an Adaptive Reuse Floating Zone petition until the Director of Engineering has determined that a special traffic impact study for the project is either not required or, if required, has been approved, a Conceptual Stormwater Management Plan for the project has been approved, and the manner of connection to municipal utilities has been approved.

- (5) The Planning Commission shall not recommend approval to the Mayor and Council of an Adaptive Reuse Floating Zone petition until the Overall Site Development Plan for the project (including any proposed subdivision or resubdivision of the development site) has been approved or conditionally approved by the Planning Commission—in the case of a major site plan and/or subdivision/resubdivision—or by the Zoning Administrator—in the case of a minor site plan and/or subdivision/resubdivision.
- (6) Where the subdivision or resubdivision of the project site has been proposed, the approval of the Rezoning petition and Comprehensive Master Redevelopment Plan by the Mayor and City Council shall authorize the applicant to proceed with the preparation of a Final Plat of subdivision for approval by the Planning Commission.

6.17.03 PERFORMANCE STANDARDS

All proposed uses shall comply with the following:

- (a) The General Performance Standards specified in Section 6.08 of this Ordinance.
- (b) The Off-Street Parking and Loading/Unloading requirements specified in Section 12 of this ordinance. The provision of the required parking areas shall be depicted on the Overall Site Development Plan or verified through a draft transferable perpetual parking agreement to be signed by the owner of the project and the parking facility. Any and all public transit improvements shall be depicted on the Overall Site Development Plan.
- (c) The Buffer Strip requirements of Section 13 of this Ordinance. Where practicable (taking into consideration existing site constraints and elevation changes), buffers shall be designed to afford the most attractive and effective transitions between the project and neighboring residential areas surrounding the project.
- (d) All proposed signage shall be consistent with the specific requirements in Section 14 of this Ordinance, based on the general zoning district classifications for the land uses proposed within the project. The Signage Plan shall be designed to effectively direct traffic from the project entrances and surrounding streets to destinations within the site with a reasonable amount of advertising for individual businesses in a comprehensive form and pattern that will effectively prevent sign competition and visual clutter.
 - (1) When the project consists of multiple buildings or principal uses, entrances to the site should feature signs identifying the project name with directional signage to specific use areas or buildings within the

project. Individual and special business identification signage shall be confined to the internal areas of the project as may be necessary to announce arrival of the traveling public to specific business destinations.

- (2) In all projects, sign types, frequency, size (sign area), and height shall be appropriate, readable, and not excessive for the functional classification and posted travel speeds of the streets within and adjacent to the project site. The height, location, size (sign area), and amount of visual information contained on each sign should be designed and placed so that it is legible from the adjoining streets, clearly visible within the standard field of view of approaching vehicles (without compromising or interfering with required intersection site distances and traffic regulatory, warning, and guide signs), and able to be discerned and comprehended within 8 seconds at an average or normal reading speed.
- (3) Signage shall be arranged and located in manner that will minimize visual clutter and driver confusion.
- (4) Freestanding pedestrian directory signs may be provided within parking lots containing fifty (50) or more parking spaces and/or at the main entrances to each building containing multiple uses or tenants.
- (5) Off-Premise Signs or Outdoor Advertising shall not be permitted within the Adaptive Reuse Floating Zone.
- (6) All proposed signage within a local historic district shall be approved by the Historic Preservation Commission prior to any recommendation of approval of the Comprehensive Master Redevelopment Plan by the Planning Commission.
- (e) The proposed project shall provide adequate access/egress points and internal streets to safely distribute and accommodate the traffic generated by the site and provide for essential emergency access and services, as determined by the Director of Engineering.
- (f) Any and all proposed manufacturing uses shall be conducted in buildings that are enclosed on all sides.
- (g) No outdoor storage of materials or products shall be permitted within the project.
- (h) The project shall be connected to and served by basic municipal utilities owned and operated by the City of Cumberland.